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OFFICE OF PETITIONS

In re Application of :
Dennis D. Elsberry :
Application No. 09/872,698 : **ON PETITION**
Filed: June 1, 2001 :
Attorney Docket No. P-3226.04 :

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed October 14, 2003.

The petition is **GRANTED**.

This application was held abandoned for failure to timely file drawings in response to the Notice of Allowability mailed December 2, 2002. This Notice set a non-extendable period for reply of three (3) months. No drawings having been received, the application became abandoned on March 3, 2003. A Notice of Abandonment was mailed on June 19, 2003.

Petitioner contends that he did timely file drawings in reply to the Notice of Allowability. In support, petitioner has included a copy of a properly itemized, USPTO date-stamped receipt, itemizing that "Formal Drawings" were filed on February 11, 2003.

A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503.

In view thereof, **THE HOLDING OF ABANDONMENT IS WITHDRAWN.**

Given the basis for granting this petition, the \$1330 petition fee has been refunded to Deposit Account No. 13-2546.

The matter is being forwarded the Office of Patent Publication for processing into a patent.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.

A handwritten signature in black ink, appearing to read "Cliff Congo". The signature is stylized with a large "C" and a long, sweeping horizontal stroke at the end.

Cliff Congo
Petitions Attorney
Office of Petitions